A Rejoinder to:

Fiqh for Minorities – A Source Methodology and Framework Approach

Mufti Abdullah Moolla

بسم الله الرحمن الرحيم

إِنَّ الدِّينَ عِندَ اللهِ الإِسْلاَمُ وَمَا اخْتَلَفَ الَّذِينَ أُوْتُواْ الْكِتَابَ إِلاَّ مِن بَعْدِ مَا جَاءهُمُ الْعِلْمُ بَغْيًا بَيْنَهُمْ وَمَن يَكْفُرْ بِآيَاتِ اللهِ فَإِنَّ اللهِ سَرِيعُ الْحِسَابِ

Indeed, the religion in the sight of Allāh is Islām. And those who were given the Scripture did not differ except after knowledge had come to them – out of jealous animosity between themselves. And whoever disbelieves in the verses of Allāh, then indeed, Allāh is swift in [taking] account.

فَإِنْ حَآجُّوكَ فَقُلْ أَسْلَمْتُ وَجْهِيَ لِلّهِ وَمَنِ اتَّبَعَنِ وَقُل لِّلَّذِينَ أُوْتُواْ الْكِتَابَ وَالأُمِّيِّينَ أَأَسْلَمْتُمْ فَإِنْ أَسْلَمُواْ فَقَدِ اهْتَدَواْ وَّإِن تَوَلَّوْاْ فَإِنَّمَا عَلَيْكَ الْبَلاَ غُ وَاللهُ بَصِيرٌ بِالْعِبَادِ

So if they argue with you, say, "I have submitted myself to Allāh [in Islām], and [so have] those who follow me." And say to those who were given the Scripture and [to] the unlearned, "Have you submitted yourselves?" And if they submit [in Islām], they are rightly guided; but if they turn away – then upon you is only the [duty of] notification. And Allāh is Seeing of [His] servants.[1]

يُرِيدُونَ لِيُطْفِؤُوا نُورَ اللَّهِ بِأَفْوَاهِهِمْ وَاللَّهُ مُتِمُّ نُورِهِ وَلَوْ كَرِهَ الْكَافِرُونَ

They want to extinguish the light of Allāh with their mouths, but Allāh will perfect His light, although the disbelievers dislike it.[2]

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[1] Sūrah āl-Imrān: 19-20

[2] Sūrah aṣ-Ṣaff: 8

Part 1

Fiqh for Minorities: A Source Methodology and Framework Approach by Mufti Muḥammad Haffejee was presented at the Southern African Ulama Conference, Eswatini [30 September 2022 – 2 October 2022].

This paper, ostensibly promotes the concept of Fiqh for Minorities (Fiqh Al-Aqalliyāt) as not something novel, but sourced in the Noble Qur'ān. Naturally, such a claim must satisfy the curiosity that subsequently arises. This brings us to the first question that this rejoinder poses.

What is the need for such an endeavor?

As matters stand, there has been nothing of substance in the paper presented that answers this question. From this, it can be safely said that this is a project or endeavor to slip in the new and do away with the old, i.e., acceptance and embrace of Modernism accompanied by dismissal and dissolution of Traditionalism. Such endeavors have been attempted by other religions in the past, leading to destruction of the entire building of the religion. Examples of people who attempted this are Moses Mendelssohn (Judaism), Abraham Geiger (Judaism), William Wilberforce (Christianity), Ram Mohan Roy (Hinduism), Anagarika Dharmapala (Buddhism).

When a paper like Fiqh for Minorities is presented for consideration and implementation, it reminds us of the blessed ḥadīth of Rasūlullāh ṣallallāhu 'alayhi wa sallam, wherein he says,

You would tread the same path as was trodden by those before you inch by inch and step by step so much so that if they had entered into the hole of the lizard, you would follow them in this also. We said: Allah's Messenger, do you mean Jews and Christians (by your words)" those before you"? He said: Who else (than those two religious groups)?[3]

[3] Ṣaḥīḥ Muslim, reported by Sayyidunā Abū Sa'īd Khudrī raḍiyallāhu 'anhu

The paper states in the first paragraph 'any discussion on Fiqh al-Aqalliyāt (Fiqh for Minorities) has the potential of being emotively charged in nature, even giving rise to extreme behaviour such as complete sidestepping of the Sharī'ah on the one hand, and possibly intimidation or even violence on the other.' This pre-empts the nature of *any* response given to it. It has already made the preposterous claim that the response would be of an emotional nature. Islām is the greatest bounty any human being could be blessed with. Hence, an attempt to reform it, deform it, or modernize it will definitely be met with varied responses. 'Even giving rise to extreme behaviour' tells the reader that those who respond could be doing so as an act of extreme behaviour. This is, in essence, laying an accusation upon anyone responding as 'radical'. 'Such as complete sidestepping' reveals the true nature of the objective of the paper, as the implementation and practice of Fiqh for Minorities is aimed at sidestepping the Sharī'ah.

With this being said, we politely ask, where has the tolerance gone? Where has accommodation for other views gone? Where has Adab-ul-ikhtilāf gone?

The paper further describes the categories of people who are likely to read and respond to the ideas presented. It covers the 'idealist', who are in fact, the true scholars ('Ulamā'), who have been entrusted with the protection and propagation of Islām in its pristine purity.

The aim of the subject is the 'rational mind', encouraging all and sundry to gauge reality in the light of rationality, tying in with I'tizāl[4].

This brings us to a critical juncture: the paper really states that those who want to consider and implement Fiqh al-Aqalliyāt are rational, whilst those who respond and refuse to adopt it, are irrational.

The inclusivity of Maqāṣid al-Sharī'ah must be dealt with in terms of the context it was introduced into the Ummah by Muḥammad Ṭāhir ibn Ashūr. The Maqāṣid al-Sharī'ah were covered by scholars like Shāṭbī raḥimahullāh, but were later edited by Muḥammad Ṭāhir ibn Ashur, after his interaction with Muḥammad 'Abduh.[5] The major difference between seeking out the Maqāṣid by Shāṭbī raḥimahullāh and Muḥammad Ṭāhir ibn Ashūr is that the former used the Noble Qur'ān and blessed Sunnah as the source for his conclusions, whilst the latter began with a foregone conclusion and then sought out random texts to support his view.

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[4] https://www.britannica.com/topic/Mutazilah

[5] https://www.britannica.com/biography/Muhammad-Abduh

The basic question regarding the Maqāṣid is that who stipulates the Maqāṣid? If stipulation of the Maqāṣid and its finer details are left to the common person, the human mind will find it extremely difficult, near impossible, to determine what carries benefit and what entails harm.

The core argument in response to the paper of Mufti Muḥammad Haffejee is that in the simplest of terms, a Fiqh for Minorities Framework is, for all practical purposes, a framework to dissolve Islām entirely, under the guise of adapting to the time and responding to issues where there is no clear text. Modernists and Liberals achieve this by giving Classical Fiqh a new framework, with new terms like Al-Fiqh Al-Iftirādī etc. Once the traditional or classical Fiqh framework is done away with, and replaced with a new one, based on modern ideas, with new terminology, a Muslim will be gob smacked and happily consent to everything un-Islāmic, because of the 'Islāmic' terminology employed.

The source for Fiqh al-Aqalliyāt given in the paper are verses 7 and 8 of Sūrah al-Mumtaḥinah. Whilst Muslims, or those who respond to Fiqh for Minorities, are given the impression in the paper that they are radical, extreme, and combative by default and do not engage with other faiths based on justice. This smacks of adoration for mainstream media messages about Muslims in general.

'Advocates of a Fiqh for Minorities trace the origins of this sub-discipline of Fiqh back to the time of Yūsuf 'alayhi as-salām…' This claim is made on the premise that the Sharī'ah of Sayyidunā Yūsuf 'alayhi as-salām is valid for Muslims today to follow. This is a hollow and baseless premise because the Sharī'ah of the final Messenger, Sayyidunā Muḥammad Rasūlullāh ṣallallāhu 'alayhi wa sallam has abrogated every previous Sharī'ah. Even if the example of Sayyidunā Yūsuf 'alayhi as-salām is to be taken, then it must be carried out within the parameters of Islāmic tradition and the Sharī'ah of Sayyidunā Muḥammad Rasūlullāh ṣallallāhu 'alayhi wa sallam. By promoting the example of Sayyidunā Yūsuf 'alayhi as-salām, the writer, knowingly or unknowingly, slanders a great Messenger of Allāh Ta'ālā. Sayyidunā Yūsuf 'alayhi as-salām cannot be used an example of 'Muslim participation in commercial institutions such as banks, insurance houses, and asset managers.'

'Muslim minorities are required to actively invite and display the beauty of Islām to their constituency…' The message conveyed here is to Muslims to preach to their own, in their own circles, as long as they embrace what is fed to them, without question. The emphasis upon *minorities* is cause for alarm, because it tells Muslims that they should be happy with their minority status, and must not feel threatened or questioned when pushed into a box that is

ever becoming smaller. The continued usage of the word minorities, even when speaking about Muslim countries dismisses any thought of allowing Islām to reign supreme. This is in direct conflict with the Noble Qur'ān,

هُوَ الَّذِي أَرْسَلَ رَسُولَهُ بِالْهُدَى وَدِينِ الْحَقِّ لِيُظْهِرَهُ عَلَى الدِّينِ كُلِّهِ وَلَوْ كَرِهَ الْمُشْرِكُونَ

> It is He who sent His Messenger with guidance and the religion of truth to manifest it over all religion, although those who associate others with Allāh dislike it.[6]

'Identify common interests with fellow compatriots and display the beauty of Islām.' The beauty of Islām, as Mufti Muḥammad Haffejee seems to have overlooked, is that it is displayed practically, when in line with tradition, and not according to what the common Muslim feels is rational, or, when in line with Liberalism. This statement also calls for interfaith engagement, under the premise that interfaith is *accepted* as a genuine and true idea that must be given ground amongst Muslims. The classical scholars have provided ample guidance with regards to dealing with adherents of other faiths. A shift from this is also vividly seen from the advocates of Fiqh for Minorities.

'Then at least try to present an alternative…' What alternative to what scenario? The paper gives us just one example of the Ṣaḥābah raḍiyallāhu 'anhum being presented in the court of the King. What about the countless aspects of the daily life of a Muslim? Just as there are pillars and fundamentals of Islām, grounded in the Noble Qur'ān and blessed Sunnah that cannot be changed, in the same way, the daily practices of a Muslim can never be changed. In fact, a Muslim should be asking everyone else, 'How does Ṣalāh threaten you?' 'How does the Sunnah dress offend you?' Just as Muslims are tolerant and respectable in public spaces, non-Muslims should also be called on to respect and tolerate Muslim practices. The writer should, in his capacity, as a scholar, provide suggestions and methods of preserving, and conveying the true message of Islām with examples for practical implementation.

'Verdicts which serve as a temporary coping mechanism…' This calls on scholars to issue verdicts based on the new framework given to them, based on the new terms coined. In effect, it tells us that from time to time, more temporary verdicts will be issued, so as to render the traditional Fiqh structure of Islām totally useless. The foundation of this argument is to basically change the framework whenever it suits a person. Once the framework is changed, the verdicts will be issued accordingly, so as to

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[6] Surah aṣ-Ṣaff: 9

accommodate for Modernism and Liberalism more and more, with each passing day and each passing circumstance.

It would be highly appreciated if the advocates for Fiqh for Minorities can present successful case studies of its application, where Islām was preserved in its pristine purity.

One of the striking features of the paper are the reference points and sources for the ideas being conveyed. One of them, ibn Bayyah, stands out very peculiarly. Ibn Bayyah has been a pioneering figure of the Abrahamic Accords, over the last few years. Under the pretext of an Alliance of Virtue - a deformed application of the Ḥilf-ul-Fuḍūl - the Muslim Ummah has had to deal with an increasing pressure to give in, submit, and agree to modernizing Islām, without any benefit whatsoever.

https://www.allianceofvirtues.com/english/docs/The_New_Alliance_of_Virtue_Booklet.pdf

Without delving into finer details, the following information about this scholar (ibn Bayyah) can be studied:

https://themaydan.com/2020/08/the-modernist-roots-of-islamic-autocracy-shaykh-abdullah-bin-bayyah-and-the-uae-israel-peace-deal/

https://www.rfp.org/leadership_member/shaykh-abdallah-bin-bayyah-3/

https://www.trtworld.com/opinion/the-doublespeak-of-hamza-yusuf-and-abdullah-bin-bayyah-22483

https://www.jpost.com/international/article-710861

https://www.middleeasteye.net/news/uae-israel-muslim-scholar-hamza-yusuf

In summary, the objective of the paper 'Fiqh for Minorities' seems to be an unfortunate case of a scholar, or, body, trying to make Modernism and anti-Islām ideologies palatable to a Muslim public who trust the guise or disguise with which they are being pummeled into oblivion.

Rasūlullāh ṣallallāhu 'alayhi wa sallam said, "Be prompt in doing good deeds (before you are overtaken) by turbulence which would be like a part of the dark night. A man would be a believer in the morning and turn to disbelief in the evening, or he would be a believer in the evening and turn disbeliever in the morning, and would sell his Faith for worldly goods."[7]

[7] Ṣaḥīḥ Muslim

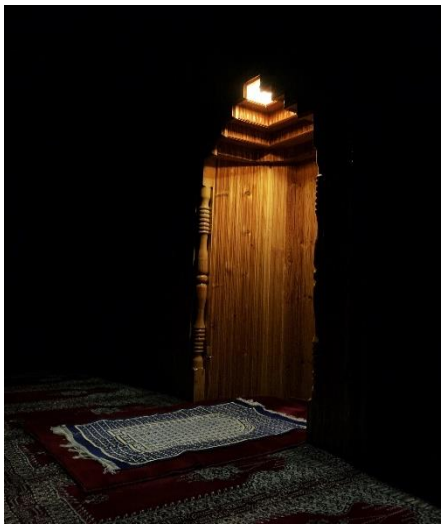
We hope in the mercy of Allāh Ta'ālā for acceptance and protection from every form of harm or loss.

رَبَّنَا لاَ تُزِغْ قُلُوبَنَا بَعْدَ إِذْ هَدَيْتَنَا وَهَبْ لَنَا مِن لَّدُنكَ رَحْمَةً إِنَّكَ أَنتَ الْوَهَّابُ

> Our Rabb, let not our hearts deviate after You have guided us and grant us from Yourself mercy. Indeed, You are the Bestower.[8]

آمين يا رب العالمين ، وصلى اللّٰهُمَّ على نبينا محمد وعلى آله وصحبه وبارك وسلم ، والحمد لله رب العالمين

[8] Sūrah āl-'Imrān: 8



Part 2

The objective of this paper was covered in part 1 of the rejoinder. Hereunder, the discussion on the source of the ideas presented in the paper will be dealt with, so as to gain a clearer picture of the 'meaningful practice of a Fiqh for Minorities.'

Study the following lines from the paper:

1. 'Although early scholars *did not recognize* the Fiqh of minorities as an independent discipline of Fiqh, this does not mean that its *principles and objectives* have not always been there influencing their Fatāwā and judgements.'
2. 'Rather, it is to provide *a guided openness* to carefully adopt, exercise, *and even give expression* to *principles* such as:- Al-I'tibār bimaa Ya'ool, Iqtidā al-naṣ, Istiḥsān, 'Urf, Ḍarūrah and Ḥājah, Raf'ul Ḥaraj, Umūmul Balwā, Precaution and Maskūt 'Anhu fi Ẓāhir al-riwāyah or Maskūt 'Anhu fil Madh-hab in order to arrive at verdicts…'

We understand that the writer eagerly states an intention to 'give expression' to the principles that have been selected for the framework, and in the process, cast aside the principles that are part and parcel of classical Fiqh.

We find it unsurprising that great 'Ulamā' of the past had already dealt with this issue and responded quite adequately to it. In Maqālāt al-Kawtharī, pp. 191-202, 'Allāmah Muḥammad Zāhid Al-Kawtharī raḥimahullāh [1371 AH] had furnished silencing responses and rebuttals to the very same ideologies being presented today, in the form of 'Fiqh for Minorities'. We are privileged to present portions of his work hereunder. 'Ulamā' and Muftīn can present the full arguments to their students and the public.

‘A Muslim will deeply regret the presence of people amongst the Muslims, who are compelled by the lust for publicity, who pretend to substitute the Fuqahā’ of the initial era, and who try to invent methods by which they distort the words, and make the rulings of the clear Sharī’ah and the clear way change with time, in order to gain proximity to those who have no goodwill for Islām.

You see them saying, “We have ‘Urf, and it overpowers the clear text (Naṣṣ). We have Maṣlaḥa[9], and it also overpowers the clear text (Naṣṣ). We move with ‘Urf and Maṣlaḥa, wherever they move. How many laws can change with this, even laws documented in the Naṣṣ! How many foundations (or principles) of this nature do we have!”’

Further ahead, ‘Allāmah Muḥammad Zāhid Al-Kawtharī raḥimahullāh says, “The one who says that the laws are based on the Maṣlaḥa, this means expediency (Maṣlaḥa) related to the Sharī’ah. However, if he intends worldly Maṣlaḥa, regardless of whether it is general or specific, or purely for good, or a mixture that is dominated by either goodness or corruption, then there is no basis for it in the eyes of a Muslim when it conflicts with a clear Shar’ī text.’

‘The first person to open the door of this evil and strife: the evil of rendering the Naṣṣ void, in terms of it opposing Maṣlaḥa was An-Najm Sulaymān Ibn ‘Abdul Qawī At-Ṭūfī Al-Ḥanbalī. In the explanation of the ḥadīth [لا ضرر ولا ضرار], he said, “Indeed, consideration of the Maṣlaḥa will precede the clear text (Naṣṣ), as well as consensus (ijmā’), when there is a conflict or contradiction.”

These words are not a mistake from a scholar who has good intentions, nor can they can be interpreted (otherwise). However, they are doors of fitnah that he opened, intending evil and intending to spread sedition.

Ibn Rajab Al-Ḥanbalī raḥimahullāh said about this person in Ṭabaqāt Al-Ḥanābilah, ‘He had no expertise in ḥadīth, there was much confusion in his words. He was a Shi’ite, deviant from the Sunnah. He lied and sinned in his accusation upon Sayyidunā ‘Umar raḍiyallāhu ‘anhu regarding his forbidding people from compiling ḥadīth. Some of our Mashāyikh said that he outwardly repented and freed himself from Rafḍ whilst he was imprisoned. This was part and parcel of his hypocrisy. This is because, during the latter part of his life, he accompanied As-Sakākīnī in Madīnah, and he was the Shaykh of the Rāfiḍah. He made poetry that included the swearing

[9] Loosely translated as ‘expediency’

of Sayyidunā Abū Bakr raḍiyallāhu ‘anhu. This has been documented by Al-Maṭarrī, a scholar of ḥadīth and historian.’

The reader should not be bothered by the unwary who referred to him as Imām an-Najm At-Ṭūfī, because we are in an era wherein a person who does not have the ability to be an Imām in the Masjid of his locality is called ‘Al-Imām Al-Ḥujjah’.

This principle and all principles like it intend nothing but eradication of the Sharī’ah. There is nothing in the practices of the jurists amongst the Ṣaḥābah raḍiyallāhu ‘anhum that can be used as a basis for the principle of abandoning the clear text (Naṣṣ) in favour of Maṣlaḥa. The Maṣlaḥa is what the Sharī’ah clarifies and states as such.’

It seems like we are living through a case of ‘history repeats itself’, albeit with an inflated and compounded level of sedition and strife.

We hope in the mercy of Allāh Ta’ālā for acceptance and protection from every form of harm or loss.

رَبَّنَا لاَ تُزِغْ قُلُوبَنَا بَعْدَ إِذْ هَدَيْتَنَا وَهَبْ لَنَا مِن لَّدُنكَ رَحْمَةً إِنَّكَ أَنتَ الْوَهَّابُ

> Our Rabb, let not our hearts deviate after You have guided us and grant us from Yourself mercy. Indeed, You are the Bestower.[10]

آمين يا رب العالمين ، وصلى اللّٰهُمَّ على نبينا محمد وعلى آله وصحبه وبارك وسلم ، والحمد لله رب العالمين

[10] Sūrah āl-‘Imrān: 8

Part 3

Fiqh for Minorities: A Source Methodology and Framework Approach by Mufti Muḥammad Haffejee was presented at the Southern African Ulama Conference, Eswatini [30 September 2022 – 2 October 2022].

The objective of the paper was covered in part 1 of the rejoinder. Part 2 of the rejoinder covered the sources of the ideas of new terms to be employed in Fiqh Al-Aqalliyāt. In part 3, clarity will be provided on the incident of the Noble Ṣaḥābah raḍiyallāhu ‘anhum who migrated to Habasha, and their blessed biographies will, Inshā Allāh, be purified from misrepresentation and the slander directed towards them.

At the outset, it seems odd, or, co-incidental, or, convenient to notice the trend amongst advocates for Fiqh for Minorities to quote the incident of Habasha for their cowardly attempt to scuttle and subvert the Sharī’ah.

Mufti Muḥammad Haffejee has employed his own Ijtihād, or has copied and pasted the Ijtihād of others, like Taha Jabir Al-Alwani to establish that Muslim Minorities should give due consideration to non-Muslim rulers who afford safety and privilege to Muslims.

Should Muslim minorities show due consideration to any and every ruler who has ***some*** Muslims living safely in his country? Is that all that is required? In that case, Muslims must “show due consideration” to the Prime Ministers of the United Kingdom, France, USA, China, India, and even Israel. This is despite their hostility to Islām and the Muslims, in addition to their war crimes. After all, they all have at least some Muslim citizens in their countries who are afforded “equal rights.”

The Mufti is guilty of committing what is termed in Classical Fiqh as Qiyās ma’al Fāriq.

Added to the above, does the Mufti not realise that many, if not most, Muslims who are living in non-Muslim countries are doing so as a direct result of colonialism and the destruction of their homelands by these very

countries wherein they currently reside?[11] Has the Mufti bought into the Fir'awnī narrative, where the oppressor does all types of oppression and then still counts the few "favours" that he offers? By this kind of talk, the Mufti helps to whitewash Western colonialism.

To quell any difference of opinion, the Mufti states that we should not fall prey to naïve referencing to the past, without taking into consideration modern factors and the lived reality of the 21st century.

As a rejoinder to this, it has become apparent that the Mufti has not understood his own references regarding the past, nor did he fully grasp the modern era and its challenges. One who compares the rulers of post-colonial democracies to the King of Ḥabasha should be grateful if he is called nothing more than naïve. If there is anything we should not fall prey to, it is this kind of shallow scholarship. This kind of scholarship will offer nothing genuine, pure or authentic. It will only squash (and damage in the process) Islāmic teachings to fit the frame of all the un-Islāmic ways of the disbelievers.

The Mufti also correctly highlighted the resilience of the Ṣaḥābah raḍiyallāhu 'anhum. However, he did not expound sufficiently upon the most important lesson in the incident for Muslims in non-Muslim lands, i.e., the no-compromise attitude of the Ṣaḥābah raḍiyallāhu 'anhum. They firstly went against the diplomatic norm of the country by refusing to bow. They gave preference to the law of Allāh Ta'ālā over the law of the land. As for the greeting they adopted, this was not "an alternative chosen", as the Mufti claims. Rather, this was also from the teachings of Rasūlullāh ṣallallāhu 'alayhi wa sallam.

The next point of reference in the story to highlight their no-compromise attitude – which the Mufti may not have seen or chose to ignore – was the statement of Sayyidunā Ja'far raḍiyallāhu 'anhu. When the Ṣaḥābah raḍiyallāhu 'anhum were summoned, they had a small discussion as to what should be said and what should not be said. They boldly committed to state only the plain truth and the unadulterated teachings of Rasūlullāh ṣallallāhu 'alayhi wa sallam, irrespective of what the outcome may be. We call on the Mufti to adopt this approach, as it truly reflects the biography and the way of the Noble Ṣaḥābah raḍiyallāhu 'anhum.

The advocates for Fiqh for Minorities must, at all cost, present examples of the kind of interfaith activities that they propose the Ṣaḥābah raḍiyallāhu

[11] The same can be said about once Muslim countries that have become non-Muslim states, e.g. India.

‘anhum engaged in. If they cannot, and will not, then they must seek forgiveness from Allāh Ta’ālā for their slander against the blessed companions of Rasūlullāh ṣallallāhu ‘alayhi wa sallam.

We ask Mufti Muḥammad Haffejee to present a holistic overview of all the incidents that resemble the incident of Habasha, where the blessed Ṣaḥābah raḍiyallāhu ‘anhum went to the courts of kings and rulers.

In the battle between truth and falsehood, the numerical minority is of no essence. The Muslims during the initial years of Islām were a numerical minority and they were happy over the fact that they were amongst the few who embraced the faith early on. They would recount to others that they were for example, the fifth, the seventh, or the fortieth to embrace Islām and adhered to it wholeheartedly for life.

كَم مِّن فِئَةٍ قَلِيلَةٍ غَلَبَتْ فِئَةً كَثِيرَةً بِإِذْنِ اللهِ وَاللهُ مَعَ الصَّابِرِينَ

> How many a small company has overcome a large company by permission of Allāh. And Allāh is with the patient.[12]

We hope in the mercy of Allāh Ta’ālā for acceptance and protection from every form of harm or loss.

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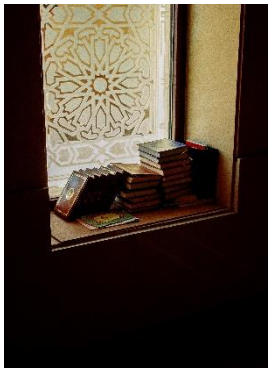
[12] Sūrah Al-Baqarah: 249

[13] Sūrah āl-‘Imrān: 8



Part 4

Fiqh for Minorities: A Source Methodology and Framework Approach by Mufti Muḥammad Haffejee was presented at the Southern African Ulama Conference, Eswatini [30 September 2022 – 2 October 2022].

The objective of the paper was covered in part 1 of the rejoinder. Part 2 of the rejoinder covered the sources of the ideas of new terms to be employed in Fiqh Al-Aqalliyāt. In part 3, the incident of the Noble Ṣaḥābah raḍiyallāhu ‘anhum who migrated to Habasha was discussed. In part 4, the verse of the Noble Qur’ān presented as the source for ‘Fiqh for Minorities’ will be presented with the explanation from the genuine and true scholars of Islām.

Mufti Muḥammad Haffejee quoted verses 7 and 8 of Sūrah Al-Mumtaḥinah as the need and basis for a ‘Fiqh for Minorities.’

Firstly, he has exposed his scant reading of the Tafsīr of the Sūrah and his strawman approach to the issue he supposedly wants the Muslim community to adopt.

Shaykh Muḥammad ‘Alī As-Ṣābūnī raḥimahullāh states about Sūrah Al-Mumtaḥinah, ‘This is from among the Madinan Sūrahs which pays particular attention to legislative aspects. It revolves around the central theme of ‘love and hate solely for the sake of Allāh Ta’ālā’. This is one of the strongest bonds of īmān.’

Further on, the illustrious Mufassir says, ‘the Sūrah mentions the ruling with regard to befriending the enemies of Allāh Ta’ālā and sets forth the example of Sayyidunā Ibrāhīm ‘alayhi as-salām and the believers in their total detachment from the polytheists.’

‘The Sūrah commences by warning us against befriending the enemies of Allāh Ta’ālā, they are the ones who tormented the believers to the extent of forcing them to emigrate and leave behind their homes and properties.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا عَدُوِّي وَعَدُوَّكُمْ أَوْلِيَاء تُلْقُونَ إِلَيْهِم بِالْمَوَدَّةِ وَقَدْ كَفَرُوا بِمَا جَاءكُم مِّنَ الْحَقِّ يُخْرِجُونَ الرَّسُولَ وَإِيَّاكُمْ أَن تُؤْمِنُوا بِاللَّهِ رَبِّكُمْ إِن كُنتُمْ خَرَجْتُمْ جِهَادًا فِي سَبِيلِي وَابْتِغَاء مَرْضَاتِي تُسِرُّونَ إِلَيْهِم بِالْمَوَدَّةِ وَأَنَا أَعْلَمُ بِمَا أَخْفَيْتُمْ وَمَا أَعْلَنتُمْ وَمَن يَفْعَلْهُ مِنكُمْ فَقَدْ ضَلَّ سَوَاء السَّبِيلِ

> O you who have believed, do not take My enemies and your enemies as allies, extending to them affection while they have disbelieved in what came to you of the truth, having driven out the Prophet and yourselves [only] because you believe in Allāh, your Lord. If you have come out for jihād [i.e., fighting or striving] in My cause and seeking means to My approval, [take them not as friends]. You confide to them affection [i.e., instruction], but I am most knowing of what you have concealed and what you have declared. And whoever does it among you has certainly strayed from the soundness of the way.[14]

'The Sūrah ends by warning the believers against befriending the unbelieving enemies of Allāh Ta'ālā:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَوَلَّوْا قَوْمًا غَضِبَ اللَّهُ عَلَيْهِمْ قَدْ يَئِسُوا مِنَ الْآخِرَةِ كَمَا يَئِسَ الْكُفَّارُ مِنْ أَصْحَابِ الْقُبُورِ

> O you who have believed, do not make allies of a people with whom Allāh has become angry. They have despaired of [reward in] the Hereafter just as the disbelievers have despaired of [meeting] the companions [i.e., inhabitants] of the graves.

In this way, the Sūrah concludes just as it had commenced – by warning against befriending the enemies of Allāh Ta'ālā. In this way, the beginning and end coincide with each other.'

Secondly, Mufti Muḥammad Haffejee has knowingly distorted the message of the Sūrah. This is an unthinkable action from a scholar. We seek the forgiveness and protection of Allāh Ta'ālā.

Whilst the message of Mufti Muḥammad Haffejee has been carefully crafted under the 'Fiqh for Minorities' umbrella, it serves the agenda of the Abrahamic Accords. Subḥānallāh, the very same Sūrah also speaks about following the example of Sayyidunā Ibrāhīm 'alayhi as-salām, who was Ḥanīf, i.e., not a Jew or Christian, but a true and genuine monotheist upon

[14] Sūrah Al-Mumtaḥinah: 1

the straight path. So, what did exactly did Sayyidunā Ibrāhīm ‘alayhi as-salām say?

He said,

إِنَّا بُرَاء مِنكُمْ وَمِمَّا تَعْبُدُونَ مِن دُونِ اللَّهِ كَفَرْنَا بِكُمْ وَبَدَا بَيْنَنَا وَبَيْنَكُمُ الْعَدَاوَةُ وَالْبَغْضَاء أَبَدًا حَتَّى تُؤْمِنُوا بِاللَّهِ وَحْدَهُ

"Indeed, we are disassociated from you and from whatever you worship other than Allāh. We have denied you, and there has appeared between us and you animosity and hatred forever until you believe in Allāh alone."

‘Allāmah Shabbīr Aḥmad ‘Uthmānī raḥimahullāh states under this verse, ‘You Muslims, or in other words, those who hope in meeting Allāh Ta’ālā and the coming of the last day, should follow the example of Sayyidunā Ibrāhīm ‘alayhi as-salām and his companions. Irrespective of how fanatical and prejudiced the world may consider you to be, you should not turn away from the path which was established by Sayyidunā Ibrāhīm ‘alayhi as-salām by his ways and actions. Success in future can only be acquired from this path. If you follow any other path and befriend the enemies of Allāh Ta’ālā, you will cause harm to your own self. Allāh Ta’ālā is not affected by the friendship or enmity of anyone.’

Mufti Muḥammad Shafī’ raḥimahullāh says in Ma’ārif-ul-Qur’ān vol.8 p.416, ‘This verse supports and emphasizes the abstaining from maintaining close friendly relations with non-believers. This rule of law is illustrated by the excellent example of Sayyidunā Ibrāhīm ‘alayhi as-salām, whose entire family worshipped idols. He not only washed his hands off them and disowned them, but also announced, and erected a wall of enmity and hatred with them, until and unless they gave up idol worship and believe in Allāh Ta’ālā alone.’

After slandering Sayyidunā Yūsuf ‘alayhi as-salām, slandering the illustrious Ṣaḥābah raḍiyallāhu ‘anhum, Mufti Muḥammad Haffejee has twisted the message of the Noble Qur’ān for his own nefarious ends. To Allāh do we belong and to Him is our return. This is not the work of a scholar and well-wisher of Islām and the Muslims.

All Muslims, wherever they are, are instructed to conduct themselves with respect and understanding with non-Muslims, but are totally forbidden from befriending them to the extent that they accept disbelief as suitable, like by participating in interfaith activities and ‘serving in the national military service of their country’. This is, in essence, bartering the pristine religion of Islām away.

We hope in the mercy of Allāh Ta'ālā for acceptance and protection from every form of harm or loss.

رَبَّنَا لاَ تُزِغْ قُلُوبَنَا بَعْدَ إِذْ هَدَيْتَنَا وَهَبْ لَنَا مِن لَّدُنكَ رَحْمَةً إِنَّكَ أَنتَ الْوَهَّابُ

> Our Rabb, let not our hearts deviate after You have guided us and grant us from Yourself mercy. Indeed, You are the Bestower.[15]

آمين يا رب العالمين ، وصلى اللّٰهُمَّ على نبينا محمد وعلى آله وصحبه وبارك وسلم ، والحمد لله رب العالمين

[15] Sūrah āl-'Imrān: 8